

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO,

Plaintiff

-against-

**NOTICE OF DEPOSITION
OF DAVID SMART**

Case No. 18 CV-2710

ALAN GELBSTEIN, et al

Defendants

Pursuant to Rule 30(a) (1) of the Federal Rules of Civil Procedure, Plaintiff Mario H. Capogrosso, will depose defendant **David Smart** before a notary public or other person duly qualified to administer an oath, remotely and electronically via a Zoom conference **on Thursday December 17, 2020 at 3:00 p.m.** and will continue thereafter until completed. Defendant must produce a valid email at which he may be deposed.

Pursuant to Rule 30(b)(3) of the Federal Rules of Civil Procedure, the deposition upon oral examination will be recorded stenographically and will be used for the purposes of discovery or for use as evidence, or for both purposes.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO,

Plaintiff

-against-

**AFFIRMATION
OF SERVICE**

Case No. CV-18-2710

ALAN GELBSTEIN, et al


Defendants

I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Notice of Deposition upon:

David Smart
2875 West 8h Street
Brooklyn, NY 11224

via U.S. Postal Service First Class Mail, this 10th day of December, 2020.

New Rochelle, NY
December 10, 2020


Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
(914) 806-3692

Dated: December 10, 2020
New Rochelle, New York

A handwritten signature in black ink, appearing to read "M. H. Capogrosso", written over a horizontal line.

Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
(914) 806-3692